

APPEAL NO. 032012  
FILED SEPTEMBER 17, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 2, 2003. The hearing officer resolved the disputed issues by deciding that the compensable injury of \_\_\_\_\_, includes an injury to the cervical spine and left shoulder, but does not include an injury to the thoracic spine or depression. The appellant (carrier) appealed, disputing the extent-of-injury determinations that were favorable to the claimant. The respondent (claimant) responded, urging affirmance. The hearing officer's determination that the compensable injury does not include an injury to the thoracic spine or depression has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. The claimant had the burden of proof on the extent-of-injury issue. The claimant testified that her job duties included data entry, typing, and manually dialing the telephone among other activities, and that the setup of her work station required her to reach across her keyboard with her right hand to access the telephone. Evidence was presented regarding the amount of time the claimant spent during her workday on the various tasks. The carrier maintains that the claimant failed to sufficiently prove that the cervical and left shoulder problems were causally related to her employment. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **TWIN CITY FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Edward Vilano  
Appeals Judge